

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

IN RE: HEXAGON ENERGY, LLC)

Docket No. 5060

**HEXAGON ENERGY, LLC'S
SECOND RESPONSE AND OBJECTION TO
DIVISION'S DATA REQUESTS (2nd SET)**

(SEPTEMBER 17, 2020)

Hexagon Energy, LLC objects once again to each data request in the Division's second set. None of the requests are relevant to the issue in dispute, nor are any of the requests designed to lead to the discovery of evidence probative to this matter.

There neither is nor can be any dispute to which the Division's second set could be relevant. As succinctly stated in the petition:

Hexagon's two projects were neither proposed contemporaneously nor purposely separated to benefit from greater ceiling prices. Superior Solar categorically fits into the Community Remote Commercial Solar enrollment class and appropriately bid into that class in the 2019 REG program—with the ceiling price of 20.99¢/kwh. Hexagon, at that time, did not contemplate the subsequent Semistream Solar carport project as it would not have been economically viable absent the newly created carport adder. Even if the carport adder did exist at the time of the Superior Solar bid, aggregation of the two projects nameplate capacity is irrelevant as the carport project would be required to bid into the Commercial Solar enrollment class—an entirely separate enrollment class than the Commercial Remote Distributed Generation. Thus, Hexagon's projects could never exceed the class nameplate range of the enrollment class as they would be, and are, in separate enrollment classes. Moreover, aggregating two project's combined nameplate capacity as they pursue entirely different enrollment classes is a different scenario than the one the Commission seeks to prevent (i.e., one Large Commercial Solar project attempting to divide its capacity into multiple Small Commercial Solar projects in one proposal). Since the Superior Solar project and Semistream Solar carport project cannot exceed the nameplate range of one enrollment class and were not proposed contemporaneously, the fourth exception to segmentation applies.

National Grid agrees:

Hexagon could not have combined the two projects and developed one Large-Scale Solar with a CRDG and a carport component. Finally, the two projects are seeking different prices within the REG program that are only available to a limited amount of solar capacity. The Company's assessment concluded that Hexagon proposed two individual projects, and not one project that has been artificially segmented to qualify for higher ceiling prices.

The Division's submission that a broad understanding of the project's structure and planning from inception to present, history of ownership of the real estate and relationship of the parties will put it in a better place to determine whether there is segmentation is clearly wrong. Theirs is a wrongful fishing expedition that has already precluded Hexagon's project one REG enrollment and has cost Hexagon valuable time and money.

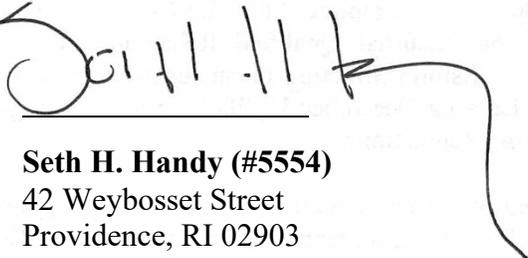
The Division's memo raises procedural arguments including the fact that our first "response" was improperly named according to the Commission's procedural rules. It is highly irregular for a party to have to produce responses to two data requests and pre-filed testimony and to receive a third data request before the Commission identifies an issue in dispute and holds a status conference to determine a procedural schedule to resolve any such issue. There is no dispute here, so Hexagon once again respectfully requests a Commission order.

Hexagon repeats its request for attorneys' fees incurred in association with this wholly unwarranted discovery.

HEXAGON ENERGY, LLC

By their attorneys,

HANDY LAW, LLC

A handwritten signature in black ink, appearing to read "Seth H. Handy", is written over a horizontal line. A long, thin, curved line extends from the right side of the signature, looping back towards the right margin of the page.

Seth H. Handy (#5554)

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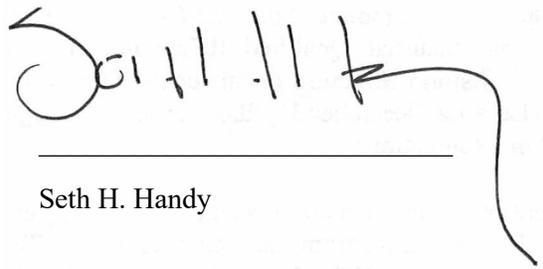
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CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2020, I delivered a true copy of the foregoing document to the service list by electronic mail.



Seth H. Handy